

SANTA CLARA COUNTY

Local Agency Formation Commission

MINUTES

WEDNESDAY, DECEMBER 12, 2001

1. ROLL CALL

The Local Agency Formation Commission (LAFCO) of Santa Clara County convenes this 12th day of December 2001 at 1:05 p.m. in the Chambers of the Board of Supervisors, County Government Center, 70 West Hedding Street, San Jose, California, with the following members present: Commissioners Donald Gage, Blanca Alvarado, Linda LeZotte, Susan Vicklund Wilson and Mary Lou Zoglin.

The LAFCO staff in attendance include Neelima Palacherla, LAFCO Executive Officer; Kathy Kretchmer, LAFCO Counsel; Ginny Millar, LAFCO Surveyor; and Dunia Noel, LAFCO Analyst.

The meeting is called to order by Chairperson Gage and the following proceedings are had, to wit:

2. PUBLIC PRESENTATIONS

There are no public presentations.

3. APPROVE MINUTES OF OCTOBER 10, 2001 MEETING

Commissioner Wilson notes that the word "sewer lines" on page 3, line 5 of paragraph one should read "septic tank".

On motion of Commissioner LeZotte, seconded by Commissioner Alvarado, it is unanimously ordered that the minutes of the October 10, 2001 meeting be approved as amended.

4. COMMENT ON GILROY'S DRAFT GENERAL PLAN AND AMENDMENT OF ITS 20-YEAR BOUNDARY

Neelima Palacherla, LAFCO Executive Officer, directs attention to the map showing 664 acres of unincorporated land that the City of Gilroy wants to

include into its 20-year boundary. She advises that staff is requesting LAFCO for authority to testify at City of Gilroy public hearings on its Draft General Plan and to send a comment letter to the City stating that the proposed 20-year boundary is inconsistent with LAFCO policies.

She reports that in 1996, LAFCO, the County of Santa Clara and the City of Gilroy adopted the "Strategies to Balance Planned Growth and Agricultural Viability in the Areas South and East of Gilroy" to protect the agricultural lands in the area. She continues by stating that as an implementing measure, in 1997, LAFCO adopted policies on Gilroy Agricultural Lands Area. These policies acknowledge that lands within the 20-year boundary are unlikely to remain in agricultural use, and a stable 20-year boundary would serve as an effective measure in preventing further loss of agricultural lands and that any revision to the boundary is required to be endorsed by LAFCO before it can approve any USA expansions in the area.

She further reports that based on the information in the EIR and the Draft General Plan, staff has determined that the proposed 20-year boundary amendment is not consistent with LAFCO policies. Gilroy has enough supply of vacant industrial lands, that, even with a doubled rate of growth, there are lands available for at least 45 years. Also, the inclusion of 664 acres of prime agricultural lands into the boundary will adversely impact adjacent agricultural lands that are a part of the Santa Clara County agricultural preserve and which have been identified to have the greatest long-term potential to remain viable for agriculture. She continues by saying that the County, along with other agencies and organizations, is promoting agriculture in the area. She states that including these lands into Gilroy's boundary sends a wrong signal to landowners and developers, resulting to premature speculations and land conversions. Finally, she notes that the 664 acres is located within the 100-year flood plain area and will require the construction of extensive and expensive flood control systems, as well as major traffic improvements which will divert resources away from existing neighborhoods that require infrastructure and service upgrades. She

also states that the inclusion of this area will also take away the mitigation measure for the previously approved USA expansion of Obata Lands in 1997.

In response to an inquiry by Chairperson Gage, Ms. Palacherla clarifies that the previous letter to the City contained comments on the Environmental Impact Report (EIR) for the draft Gilroy General Plan; the letter being proposed comments on the Gilroy General Plan, specifically the proposed inclusion of 664 acres into Gilroy's 20-year boundary. On another inquiry by the Chairperson regarding LAFCO's involvement with a city's fiscal impacts and infrastructure costs and needs, Kathy Kretchmer, LAFCO Counsel, explains that the Cortese-Knox-Hertzberg Act provides that part of the premise of LAFCO's mandate to look at local agency boundaries is to consider the social, fiscal and economic well being of the State of California.

Anne Crealock, Greenbelt Alliance, speaks against including the 664 acres into the 20-year boundary because the request is premature given the industrial lands presently within Gilroy's urban service area (USA), the huge costs needed to develop the lands in flood plains, and the lack of other mitigation measures. She expresses support in authorizing staff to send a comment letter to the City and to testify when needed.

Joe Chase, former member of Gilroy's General Plan Update Committee, comments that the City must widen its view to include agricultural viability so it will not make the mistakes of the past of bulldozing and paving over agricultural lands.

Connie Rogers, former Gilroy City Council Member and former member Gilroy's General Plan Update Committee, speaks about 1,181 acres of existing undeveloped industrial lands and the agricultural lands that have already been sacrificed.

Suellen Rowlison, former Gilroy City Council Member, advises that the lands in the north at the old Highway 101 would be a better alternative to the lands now proposed to be included.

Janet Espinosa, a local resident and landowner, requests that LAFCO preserve this area in agriculture because it is the richest soil in the area and it is in the flood plains.

Tom Springer, Mayor of the City of Gilroy, introduced Mr. Jay Baksa, the City Administrator. Mr. Baksa comments that the issue is not about the 660 acres but about local control. He cites the "Strategies to Balance Planned Growth and Agricultural Viability in the Areas South and East of Gilroy" and reads strategy number one thereof. He states that Action 1A states that Gilroy create an urban growth boundary on that eastern boundary, while Action 1B allows the city to look at the eastern boundary at some point in time. He reads Action 1C and concludes that Gilroy has already done its part and adopted actions 1A and 1B. He notes that nowhere in the 1996 document it requires LAFCO to endorse the City's 20-Year boundary.

Dirk Buchser, a local farmer, advises that the lands are not prime lands. He states that agriculture is no longer competitive because of North American Free Trade Agreement (NAFTA), General Agreements on Tariffs and Trade (GATT), cheap agricultural products from other countries, increased minimum wage and banning of chemicals.

Martin Rajkovich, farmer, reads the letter of Ralph Santos, another farmer, about increased difficulty of farming in the County.

Dan Fiorcom, a local farmer, notes that the staff report is inaccurate and states that the Commission of taking a political position to intervene in local affairs of Gilroy.

Chairperson Gage states that he would support staff recommendation to send a comment letter to Gilroy stating that the proposed inclusion of 660 acres is inconsistent with LAFCO policies, emphasizing that LAFCO has not taken any decision on the issue. He also states that there is no need to authorize the staff to testify before the City at this time. Commissioner Wilson expresses agreement to Chairperson Gage, she, however, notes that the staff report does not recommend

a final action, and that the staff must be allowed to testify because there could be issues that cannot be addressed by the comment letter.

Commissioner Alvarado affirms that the staff action is very legitimate and complies with their responsibilities, and that it is likewise within the right and responsibility of LAFCO to act on the staff recommendation. Commissioner LeZotte observes that the staff report has no political agenda. It is straightforward and there is no reason not to support it as presented. Also, Commissioner Zoglin states that the comment letter is favorable to Gilroy because the more information provided to decision-makers the better decision they are going to make, especially since civic memory is rather short. Sharing the same observation, Commissioner Alvarado notes that the public in particular needs to know what is going on, because while there some people know the history of the issue (e.g., members of the Update Committee for the Gilroy General Plan), the larger community is not as well informed.

Commission Wilson moves for the approval of the staff recommendation, Commissioner Alvarado seconds the motion. On the Chairperson's order for a roll call vote, Commissioners Alvarado, LeZotte, Wilson and Zoglin vote that the staff be authorized to send a comment letter to the City of Gilroy and to testify at public hearings on the proposed 20-year boundary. Chairperson Gage votes against the motion.

Chairperson Gage requests Vice-Chairperson LeZotte to preside at the meeting. *(Chairperson Gage leaves at 1:55 PM. Vice-Chairperson LeZotte presides at the meeting.)*

Commissioner Wilson mentions that she has to leave early and expresses support to the appointment of the new Chairperson and Vice-Chairperson. *(Commissioner Wilson leaves at 1:59 PM.)*

5. 2002 SCHEDULE OF MEETINGS AND APPLICATION FILING DATES

Chairperson LeZotte directs attention to the proposed 2002 Schedule of Meetings and Application Filing Dates.

On motion of Commissioner Alvarado, seconded by Commissioner Zoglin, the staff recommendation is unanimously approved.

6. EXECUTIVE OFFICER'S REPORT

A. Update on Service Review Guidelines

Ms. Palacherla reports that the State Office of Planning and Research will issue guidelines for service reviews in January 2002. The staff will then formulate a work plan. In the meantime, the staff is compiling information on the special districts in the County and is preparing for a meeting to inform them about the new service review requirement and changes on the LAFCO procedures. Staff will also prepare profiles of the special districts in the County and develop maps that will show their boundaries and existing Spheres of Influence (SOIs).

B. Update on Payments to LAFCO

Ms. Palacherla advises that as of November 28, 2002, LAFCO has received all the payments required from the County and all the cities.

C. Report on LAFCO Workshop for Cities on City-Conducted Annexations

Ms. Palacherla advises that staff organized a well-attended workshop on city-conducted annexations on November 13, 2001. It discussed changes in the law, the new procedures and the revised forms.

On the query of Commissioner LeZotte, Ms. Palacherla states that for this particular workshop, the cities were represented by the city attorneys, city clerks and planning staff.

7. APPOINTMENT OF CHAIRPERSON & VICE-CHAIRPERSON FOR 2002

Chairperson LeZotte directs attention to the staff recommendation to appoint Commissioner Linda LeZotte as Chairperson, and Commissioner Blanca Alvarado as Co-Chairperson for 2002.

On motion of Commissioner Alvarado, seconded by Commissioner Zoglin, the staff recommendation is approved unanimously.

8. WRITTEN CORRESPONDENCE

WEDNESDAY, DECEMBER 12, 2001

There is no written correspondence.

9. ADJOURNMENT

On the order of the Chairperson, there being no objection, the meeting is adjourned at 2:03 p.m. to the next regular meeting to be held on Wednesday, February 13, 2002 at 1:15 p.m. in the Chambers of the Board of Supervisors, County Government Center, 70 West Hedding Street, San Jose, California.

Donald F. Gage, Chairperson
Local Agency Formation Commission

ATTEST:

Emmanuel Abello, LAFCO Clerk